

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Haliron Power, LLC,

Plaintiff,

vs.

Fluor Daniel Caribbean, Inc., a subsidiary of
Fluor Enterprises, Inc.,

Defendant(s).

Civil Action No.: 6-18-CV-02911-TMC

**ANSWER OF DEFENDANT, FLUOR
ENTERPRISES, INC.**

COMES NOW Defendant Fluor Enterprises, Inc. (“**FEI**”) answering the Complaint states as follows:

FOR A FIRST DEFENSE
(General Denial)

1. It is unclear whether claims are asserted against FEI in the Complaint. Out of an abundance of caution, FEI responds to the Complaint, denying all allegations of the Complaint not specifically admitted herein and demanding strict proof thereof.

2. Responding to the allegations of Paragraph 1, FEI admits, upon information and belief, that Haliron Power, LLC (“**Haliron**”) is a limited liability company organized and existing under the laws of the State of Arkansas with its principal place of business located in the State of Arkansas. FEI further admits, upon information and belief, that at all times pertinent to this action, Haliron conducted business in the Territory of Puerto Rico pursuant to a written contract with Fluor Daniel Caribbean, Inc. (“**FDC**”). FEI denies the remaining allegations of Paragraph 1 of the Complaint.

3. FEI admits, upon information and belief, the allegations of Paragraph 2 of the Complaint.

4. Responding to the allegations of Paragraph 3 of the Complaint, FEI admits that FDC is a corporation organized and existing under the laws of the State of Delaware with its principal place of business located in Guaynabo, Puerto Rico. FEI further admits, upon information and belief, that at all times pertinent to this action, FDC was transacting business in the Territory of Puerto Rico by virtue of its contractual relationship with the United States Army Corps of Engineers (“USACE”). FEI denies the remaining allegations of Paragraph 3 of the Complaint.

5. Responding to the allegations of Paragraph 4 of the Complaint, FEI admits that it is a corporation organized and existing under the laws of the State of California with its principal place of business located in the State of Texas. Further responding to the allegations of Paragraph 4 of the Complaint, FEI admits that it is the parent corporation of FDC. FEI denies the remaining allegations of Paragraph 4 of the Complaint.

6. FEI denies the allegations of Paragraph 5 of the Complaint.

7. Responding to the allegations of Paragraph 6 of the Complaint, FEI admits that various Fluor entities perform certain services including engineering, procurement, fabrication, construction and/or maintenance related services on domestic and/or foreign projects. FEI denies the remaining allegations of Paragraph 6 of the Complaint and expressly denies that Fluor entities constitute a global amalgamation of corporate entities/subsidiaries.

8. Responding to the allegations of Paragraphs 7 and 8 of the Complaint, FEI admits that jurisdiction over the parties and subject matter as well as venue are proper in the United States District Court, District of South Carolina, Greenville Division.

9. FEI lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 9 through 46 of the Complaint and, therefore, denies the same.

10. Responding to the allegations of Paragraph 47 of the Complaint, FEI incorporates its admissions, denials and responses set forth herein.

11. FEI lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 48 through 55 of the Complaint and, therefore, denies the same.

12. Responding to the allegations of Paragraph 56 of the Complaint, FEI incorporates its admissions, denials and responses set forth herein.

13. FEI lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 57 through 63 of the Complaint and, therefore, denies the same.

14. Responding to the allegations of Paragraph 64 of the Complaint, FEI incorporates its admissions, denials and responses set forth herein.

15. Responding to the allegations of Paragraphs 65 and 66 of the Complaint, FEI admits, upon information and belief, that FDC contracted with USACE (the “Prime Contract”) in support of work to restore power to the PREPA power grid (the “Project”) and that certain Payment Bonds were provided in connection with the Prime Contract. FEI lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraphs 65 and 66 of the Complaint and, therefore, denies the same.

16. Responding to the allegations of Paragraph 67 of the Complaint, FEI craves reference to the terms of the payment bond(s) issued by its surety and denies all allegations of Paragraph 67 inconsistent therewith.

17. Upon information and belief, FEI denies the allegations of Paragraph 68 of the Complaint.

18. FEI lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraphs 69 through 85 of the Complaint and, therefore, denies the same.

FOR A SECOND DEFENSE
(Failure to State a Claim)

19. FEI incorporates its admissions, denials and responses set forth herein.

20. The Complaint fails to state facts sufficient to constitute a claim against FEI.

FEI reserves its right to amend its Answer to assert additional defenses as may be determined to apply to the Plaintiff's claims.

WHEREFORE, having fully answered the Complaint herein, FEI prays as follows:

1. That all claims asserted against FEI be dismissed, with prejudice;
2. That FEI be awarded its costs and expenses incurred in the defense of this action; and
3. For such other and further relief as this court deems just and proper.

s/ N. Ward Lambert

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November 6, 2018
Greenville, South Carolina